

1988

State of Utah v. Calvin S. Ross : Brief of Appellant

Utah Court of Appeals

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Mark Andrus; Davis County Attorney; Attorney for Plaintiff.

Calvin S. Ross; In Propria Persona.

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APPEALED FROM

50 THE CIRCUIT COURT OF DAVIS COUNTY: STATE OF UTAH: CLEARFIELD DEPT.

A10

DOCKET NO. 880443-CA CASE NO. 87 2000 688

CASE NO 880-443-CA

IN THE APPEALS COURT OF THE STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

CALVIN S. ROSS

Defendant

#2

THE HONORABLE S. MARK JOHNSON, JUDGE.

Mark Andrus
Davis County Attorney
P.O. Box 618
Farmington, Utah 84025

Calvin S. Ross
369 E. 900 S.
Salt Lake City, UT. 84111
IN PROPRIA PERSONA

APPELLANTS BRIEF

Original Copy

Gary T. Noonan
Clerk of the Court
Utah Court of Appeals

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STATEMENT OF THE APPELLANT'S STATUS

1 CALVIN S. ROSS, a free and natural citizen claiming all of his
2 rights at Common Law and not waiving any of his rights at any time
3 hereinafter known as the Appellant notifies this court that he is
4 appearing specially and not generally to protect himself from the
5 arbitrary and abusive power of any court. The appellant is acting
6 under his constitutionally guaranteed rights and all unalienable
7 rights secured by the United States Constitution. The appellant
8 finally demands his guaranteed rights under the Utah State Consti-
9 tution and his rights to less stringent rules since he is not acting
10 as a formally licensed Lawyer or Attorney. HAINES VS. CERNER (1972)
11 404 us 579, 30 LED2D 652, CT, 594, 496, REH DEN, 405 US. 948, 30 LED2D,
12 918, 925, PT. 963

13 Any FREEMAN who claims his rights cannot be forced to comply
14 with penal offenses. Under the Common Law there can be no construct-
15 ive offenses. United States VS. Lacher, 134 US 624; Todd VS. United
16 States, 158 US 282.

17 "Where rights secured by the Constitution are
18 involved, there can be no rule making or leg-
19 islation which would abrogate them."

20 Miranda V Arizona, 384, US 436, 491

STATEMENT OF THE CASE

21 On January 25, 1988 Mr. Ross filed an original appeal with the
22 Utah Court of Appeals. This appeal came from a decision and sentence
23 entered into the Circuit Court record, State of Utah, Davis County,
24 Clearfield Dept., case no. 8720006888. On October 15, 1987. At this
25 time a minute entry containing sentence only stating "ten days jail
26 suspended on payment of \$45.00 fine." Ref. counter # 2720, tape # 2996
27 In addition, the final minute entry ended the tape by stating "C/D
28 due 11/16/87 or have case appealed by that date" Counter # 2786.
29

INTRODUCTION

1 Beginning at counter No. 2499 through 2720 the courts verdict of,
2 "The Court finds defendant guilty of improper lane travel."
3 Judge Johnson ordered his clerk to give Mr. Ross the defendant notifi-
4 cation of his sentencing and further instructions. Those instructions
5 were on a piece of scratch paper less than the size of a 3 x 5 card
6 stating to the effect that I was to pay the fine or appeal the case by
7 Nov. 16, 1987. I heard nothing more from the Circuit Court nor did I
8 receive any correspondence from it after that.

9 My Notice of appeal was filed with the lower court on Nov. 13,
10 1987. As noted above my Appeal was filed with the Utah Court of Ap-
11 peals on Jan. 25, 1988. It was not until Feb. 12, 1988 that an Order
12 of Dismissal was handed down by the Appeals Court on this matter "be-
13 cause no final judgment has been entered by the trial court.'Because
14 no final judgment has been entered, the conviction is not yet appealable
15 or enforceable against the defendant.'" The Court then cited three
16 former cases to support its position; South Salt Lake v. Burton, 718 p.
17 2d 405 (Utah 1986); Utah State Tax Commission v. Erekson, 714, p 2d
18 1151 (Utah 1986); State v. Hutchins, 672 p. 2d 404 (Utah 1983). "
19 The Court then on its own motion dismissed the appeal based upon R. UT
20 Ct. App. 3 (a). The Court of Appeals acted Lawfully and properly and
21 in accordance to Utah Statutes. Based upon the fact that there was no
22 final judgment or wrong doing entered into the record therefore it was
23 obvious that the lower court had either errored or agreed with the def-
24 endants position that he was truly NOT GUILTY.

25 In either case there now came into play two new issues which will
26 be discussed at length in this brief, along with several other matters
27 which the Appellant is required to bring before this Honorable Court as
28 a matter of moral issue not to mention the legal aspects involved. In
29

1 1988 that it had dismissed the appeal as "...not taken from a final
2 appealable order. R. Utah Ct. App. 3 (a)." The lower court did not re-
3 spond in any fashion or form nor did it make any judgment entries in
4 its court record regarding this matter. It is a common fact that this
5 was not done because we have a record of it in the courts file which
6 was forwarded to the appeals court from the lower court. We now have
7 the court of Judge Johnson either in error or in agreement for a second
8 time with the defendants position of NOT GUILTY. I did not receive any
9 correspondence or notification in any manner what-so-ever from the
10 office of Judge Johnson on this matter at any time until I was person-
11 ally handed a sheet of paper from Judge Alf VanWagenan on June 6, 1988
12 which appeared to have Judge Johnson's signature upon it. This was a
13 paper 8½ x 11, and obviously a photo copy of another paper. This page
14 can be seen as Page 16 in the file forwarded to the Appeals Court from
15 Judge Johnsons court and if not will be found in the addendum of this
16 brief.

ARGUMENT

17 The Appellants rights have been grossly violated not only here
18 but in every court from the initial arraignment. At the first court
19 where Judge Dean O Anderson presided the appellant was never served
20 with an information. *This fact is proven by the two copies held by
21 the Appellant which were hand written by the courts clerk. See Adden-
22 dum pp. 20 & 21. Note dated entry of 9-25-86. Furthermore the court
23 entered the plea for me I did not plea in any way what-so-ever*. When
24 I asked for an information from the court the Judge simply stated we
25 have none at this time. I demanded one but He stated that there was
26 none to be had and to please stop taking up the courts time. I was not
27 informed by this court or its prosecuting attorney of my right to a
28 trial by jury. And my right to an information was refused even after
29 I demanded one. I was forced to leave the Court room upon threat of

1 wasting the courts time because it had other business to take care of.
2 Judge Anderson then insisted that I was through with the court. This
3 occurred on 9-25-86. Judge Anderson's court was of course a court of no
4 record and therefore I have only my wife as a witness to these facts. It
5 is still a fact that my U.S. CONSTITUTIONALLY Guaranteed right to "DE-
6 MAND THE NATURE AND CAUSE OF THE ACCUSATION AGAINST" me and to "BE CON-
7 FRONTED BY THE WITNESSES AGAINST" me was absolutely denied here and is
8 verified in the written record of this court. This is also a guarantee
9 provided by the UT State Constitution. Art. I Sec. 12 UTAH STATE CONSTI-
10 TUTION. and AMENDMENT VI U.S. Constitution. It is impossible to enter
11 any plea when one does not know the charges which he is being held
12 on. It is also unlawful for any court to bring any one to arraignment
13 with out a valid information. In the appellants Motion for Dismissal
14 dated the 14th of Dec 1986, page 2 it was clearly noted that the court
15 had proceeded unlawfully without any information and had clearly initia-
16 ted a criminal action against the defendant. The court violated not only
17 my U.S. Constitutional and State Constitutional rights but also abrogated
18 my right which is spelled out in 'Rule 5' (77-35-5 (a) ..."all criminal
19 prosecutions whether for felony, misdemeanor or infraction SHALL BE COM-
20 MENCED BY THE FILING OF AN INFORMATION..." Please note it is clearly
21 written in long hand, "DEF. WAS NEVER Served with Information." This as
22 noted above is ⁱⁿ the addendum of this brief.

23 It is now a matter of history what occurred from here on out. The
24 court of course denied the motion; swept the facts under the rug, and
25 plunged forward with business as usual; completely disinterested in the
26 Constitutionally guaranteed rights of this citizen. Judge Anderson's
27 letter dated Dec. 30, 1986 is clear evidence that Justice was not one of
28 his higher concerns. Judge Anderson's violation of my constitutional
29 right to be served with an information and then refusing to grant a fair

1 and or unbiased party to review my motion for dismissal indeed paves the
2 road to an excellent view to prejusticed treatment and certainly a denia
3 of my right to due process. Art. I Sec. VII UT. State Constitution. "no
4 person shall be deprived of life, liberty or property, without due pro-
5 cess of law. Amendment V U.S. Constitution. There was never any signed
6 information issued or shown to the defendant at this court.

7 Judge John D. Stewart's Court

8 A trial date was set for Jan. 15, 1987 by Judge Anderson's
9 clerk, Leslie Ann McRae, and Judge John D. Stewart presided. This court
10 was more in line than any which preceeded it, however, the court errored
11 again and forced the defendant to move forward when there had been no
12 minute entry of sentencing in this case by Judge Stewart. In hopes that
13 I could easily remedy this problem, I went to get copies of my file from
14 the Farmington court and still I could not get a completed file. Being
15 unable to acquire a complete file I was forced to motion for a trial De
16 Novo. One day before the new trial was to be had I discovered that I
17 could get another look at my file. I went in and fortunately managed to
18 get a copy of all that was in my file in Farmington. It was at this time
19 that I became completely aware of the fact that Judge Stewart had never
20 entered any minute entry of sentencing or Judgment in the record. It was
21 too late to do much, but I went personally to the Prosecuting Attorney
22 in Farmington and he signed a Continuance with me for 30 days. Then I
23 went to see Judge Van Wagenan at the Clearfield court on the same day,
24 April 28, 1987. I had set the date from April 9th to whatever the court
25 could arrange in the future in hopes that I could get all of my informa-
26 tion out of the file in order to perfect an appeal, or defense as the
27 case might warrant. I had been prevented, by whatever means the court
28 had from obtaining a complete and up to date file until the day before
29 the trial. Being a real novice at this, I was not expecting that the court.

1 would be as unfair and immoral as it has been. I have since wised up a
2 bit and am doing my best not to allow that to occur again in the future.
3 Still I was trusting in the Integrity and honesty of the court to be as
4 fair as the law required it to be. It was my expectation for the court
5 to at least uphold the Laws on the books of its own State and for sure
6 those of the U.S. Constitution. To make the story short I was dead
7 wrong THE COURT DID NOT UPHOLD EITHER THE CONSTITUTION OR THE STATUTES
8 OF THE STATE EVEN WHEN THEY WERE BROUGHT TO ITS ATTENTION.

9 Judge VanWagenan's Court.

10 Judge VanWagenan refused to allow the continuance and told
11 me that I better be there tomorrow and that I had had plenty of time
12 already. It made no difference that I had not been able to get a com-
13 plete copy of my file until that very day.

14 On the morning of the trial I decided to attempt to get a
15 message across to the court about the minute entry which was missing.
16 Judge VanWagenan was informed by me that, "There was some very important
17 business which the court needed to hear before it proceeded". VanWagenan
18 said to the court to the best of my recollection, "Mr Ross, yesterday I
19 told you we were going to have court today. Now you are in my court and
20 I will decide what transpires in this court room, now sit down and shut
21 up". Therefore I did just that until it was my turn. Some 2½ hours later
22 and several thousand tax dollars later it was my regret to inform The
23 Honorable VavWagenan that his court had no jurisdiction because there
24 had been no minute entry of sentencing entered into the record and there-
25 fore I could not lawfully move forward on appeal. This could have all
26 been prevented had Mr. Van Wagenan been more polite and adhered to some
27 common sense courtesy. I was once again forced to unlawfully move for-
28 ward by the court because of errors and improper actions by the court. I
29 had by now wasted several days of my time and this was creating a great

1 financial burden upon myself and my family was having to endure tremen-
2 dous emotional stress as a result of the courts unlawful actions, and care-
3 lessness. Judge VanWagenan sent a letter to Judge Stewart that same day
4 April 29, 87, requesting information about sentencing, appeals and min-
5 ute entries. Judge Stewart answered that letter on May 7, 87 and signed
6 some computer form but never officially entered any judgment in the re-
7 cord to my knowledge nor did he ever notify me of the fact at any time.

8 Judge Johnson's Court

9 Once again we shall get back onto the old legal merry-go-round and of
10 course we find some more of the same. More errors, omissions and un-
11 lawful activities performed by the court. This time the most flagrant of
12 all and the most abusive disregard for a citizens guaranteed Constitution-
13 al rights. Mr. Johnson failed to make the proper judgment entry also
14 in the court record and this time the Appeals Court of the State of
15 UTAH caught the error and returned my appeal back to the lower court.
16 As we already know Judge Johnson ignored the Appeals courts notice of
17 Feb. 12, 88 ie "ORDER OF DISMISSAL" and the following "REMITTITUR" of
18 March 28, 88. From even a minor understanding of Judicial ethics it is
19 well known that It is completely improper to ignor a higher courts de-
20 cision and even more improper to ignore the concurring decision of all
21 three Judges from the appeals court. If this were not enough of an
22 abrogation of a citizens rights Judge Johnson has the disregard of any
23 sense of justice and over seven months later trys to become the legisla-
24 ture of the State of Utah. He has not only shown complete disregard for
25 my right to a speedy trial, due process, and respect for the State laws
26 he seems to have tried to create a new law by his own hand alone and
27 signs an unlawful order into the court record long after the statute
28 allows or moral conscience would dictate. Judge Johnson's signature (if
29 indeed it is his signature) was affixed to a piece of paper which was

1 a mere photo copy of the court proceedings,(noted as P. 16 in the adden-
2 dum of this brief) with the statement,"Sentence was imposed Oct. 15,1987
3 Dated minute entry containing judgment and sentcing signed this 6th day
4 June, 1988. " An affixed signature appears with a date below written in
5 by the same pen 6/6/88 and below that appears the printed name S. Mark
6 Johnson, Circuit Judge. JUDGE JOHNSON HAS VIOLATED SEVERAL STATUTES AND
7 CONSTITUTIONAL LAW OF BOTH THE Federal and State and the moral code by
8 which all Judges are required to adhear and conform to. All Judges are
9 required to "uphold the Constitution which is the supreme law of the land
10 and the laws of the State Constitution of the State of Utah." This court
11 and the three below it ie those before Judge Johnson's have not only vio-
12 lated this Free Man's rights they have conspired against him to do him
13 harm,to harass and otherwise prevent him from his right to liberty and
14 life, as he chooses to live it from day to day. These courts have denied
15 this citizen access to records belonging to him and intentionally abro-
16 gated his constitutional rights . 18 USCS Sec. 241 states,

17 "241. Conspiracy against rights of citizens

18 If two or more persons conspire to injure, oppress, threaten,
19 or intimidate any citizen in the free exercise or enjoyment
20 of any right privilege secured to him by the Constitution or
21 laws of the United States, or because of his having so exer-
cised the same or

22 If two or more persons go in disguise on the highway, or on
23 the premises of another, with intent to prevent or hinder
24 his free exercise or enjoyment of any right or privilege so
secured--

25 they shall be fined not more than \$10,000 or imprisoned not
26 more than ten years, or both; and if death results, they
27 shall be subject to imprisonment for any germ of years or
for life."

28 1.DR 7-103 (II 1.)

29 "1. Prosecutor's obligation to disclose favorable evidence
to defendant. The United States Supreme Court has held

1 that due process is violated where material evidence is suppressed
2 by the prosecution after the defendant has requested it (Moore v Illinois
3 U.S. 1972). Note that the DR goes further, by imposing a duty upon the
4 prosecutor to disclose evidence that is favorable to the defendant,
even if the defendant makes no request. ..."

5 "Code of Judicial Conduct

6 A. Personal Conduct. A Judge should respect and comply with
7 the law and should conduct himself at all times in a manner
8 that promotes public confidence in the integrity and im-
partiality of the judiciary.

9 B. A Judge should not allow his family, social, or other
relationships to influence his judicial conduct or judgment...

10 Canon 3: The judicial duties of a judge take precedence over
11 all his other activities. His judicial duties include all
12 the duties of his office prescribed by law. In the perfor-
mance of these duties, the following standards apply:

13 1. A Judge should be faithful to the law and maintain pro-
14 fessional competence in it. He should be unswayed by partisan
15 interests, public clamor, or fear of criticism.

16 2. A Judge should maintain order and decorum in proceedings
before him.

17 3. A judge should be patient, dignified, and courteous to
18 litigants, jurors, witnesses, lawyers, and others with whom
19 he deals in his official capacity, and should require sim-
20 ilar conduct of lawyers, and of his staff, court officials,
and others subject to his direction and control.

21 4. A Judge should accord to every person who is legally in-
22 terested in a proceeding, or his lawyer, full right to be
23 heard according to law, and except as authorized by law, neither
24 initiate nor consider 'ex parte' or other communications con-
cerning a pending or impending proceeding. ... "

25 Rule 11 77-35-11 (e)(3) was violated by the courts in this case
26 because defendant was at no time notified of his right to a trial by
27 jury. "The court may refuse to accept a plea... until the court has
28 made the findings: (3) That the defendant knows he has rights ... to a
29 jury trial ...and that by entering the plea he waives all of those rights"

FALSIFICATION OF COURT RECORDS BY THE COURT

The lower court falsified Public Court records of the Appellant. The documents giving proof of this can be seen on the original Docketing Statement to the appeals court dated Jan. 25, 1988, Pages 13 & 14. It can be seen perfectly and clearly by comparing the original handwritten copies of the case summary with the type written pages 30 & 31 of the original court's file to the Court of Appeals that several things have been intentionally changed.

Judge Stewart certified that his 'typewritten' copy was a true copy of the proceedings. That is an absolute falsehood and intentional cover-up of the exact facts as seen on the original handwritten copy of which I now have the only copy. Under the Criminal Code 76-8-414 "Recording false or forged instruments.--Every person who knowingly procures or offers any false or forged instrument to be files, registered, or recorded in any public office, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, is guilty of a felony of the third degree." Under the Criminal Code 76-8-502 "False or inconsistent material statements.-- A person is guilty of a felony of the second degree if any official proceeding;

(1) He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or

(2) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true."

RIGHT TO A TRIAL BY JURY

The appellant was never notified by any of the judges at any time of his right to a trial by jury. He was never notified by the prosecuting attorney either of his right to a trial by jury.

Article VI "In ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY of the State and district wherein the crime shall have been committed; which district shall have been priviously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the WITNESSES AGAINST HIM: TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR and to have the ASSISTANCE OF COUNSEL FOR FOR HIS DEFENCE." Art. VI U.S. Constitution.

The court also ignored the same issue contained in the state statute 77-35-11 (e) (3) As noted above it is the courts duty to ensure that the defendant is notified of his right to a trial by jury and that if he makes any plea before that he has waived that right. It is the duty of the court to ensure that Justice is done at all times. The Sixteenth American Jurisprudence 2nd Edition Sec. 256 states, "The general rule is that an unconstitutional statute, though having the form and name of law, is in reality NO LAW, BUT IS WHOLLY VOID AND INEFFECTIVE FOR ANY PURPOSE. An unconstitutional law, in legal contemplation is as if it had never been passed. SINCE AN UNCONSTITUTIONAL LAW IS VOID, THE GENERAL PRINCIPLES FOLLOW THAT IT IMPOSES NO DUTIES, CONFERS NO RIGHTS, CREATES NO OFFICE, BESTOWS NO POWER OR AUTHORITY ON ANYONE, Affords no protection, and JUSTIFIES NO ACTS PERFORMED UNDER IT. No one is bound to obey an unconstitutional law and NO COURTS ARE BOUND TO ENFORCE IT. Thus it would follow that an unconstitutional action would also be null and void, have no power, create no right nor bestow any power upon anyone, etc. .

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1 appeal made when there is no decision to appeal.

2 The only explanation for the judge's ordering the Defendant to
3 appeal and never recording a judgment seems to mean only 1 of 2 things.
4 Either the Judges are very ignorant or they just wanted to waste the
5 Defendant's time and harass him more since he was not a member of the
6 Bar and Legal System. Therefore, the Defendant's moving forward should
7 not have been allowed by the next higher court and the next higher
8 court had no jurisdiction as cited by the appellate court on Feb. 12, 88.
9 Therefore, if a court has no jurisdiction, then any decision made by
10 that court is entirely null and void and is without effect or power.
11 No one can be made to obey a rule or law that is void. Moreover, it is
12 his duty under the Constitution to disobey that rule.

13 The appeals court itself made it clear that it had no jurisdiction
14 since there was nothing the defendant could lawfully appeal from. All
15 because there was never any judgment rendered. Finally, the judge's
16 of the lower court must not have truly believed the evidence of the
17 State's 1 single witness against the Defendant's testimony and his
18 witnesse's testimony after consideration and therefore declined to
19 render a judgment against the defendant.

20 The very day that Judge VanWagenan handed the judgment to the
21 defendant which had been allegedly signed by Judge Johnson was the
22 very day that Mr. Ross had testified against the State in a friends
23 defense. The judge's were obviously trying to get revenge. This
24 judgment was given to Mr. Ross in an extremely untimely manner.
25 for the express purpose to force Mr. Ross to spend more valuable
26 time defending himself. This case has gone on for two years and
27 because of Judge VanWagenan it has now been going on for 2½ years.
28 This harassment must stop! IN THE NAME OF TRUE JUSTICE THE APELLANT
29 REQUESTS OF THE APELLATE COURT RELIEF FROM THIS HARASSMENT AND A RE

In Propria Persona

MAILING CERTIFICATE

This is to certify that I have mailed a true and accurate copy to all required parties as listed below.

1 Original and 7 copies to the Utah Court of Appeals and 1 copy to the Davis County, Mark Andrus, Farmington, UT 84025.

Dated This 30th day of Nov., 1988.

Respectfully,

Calvin S. Ross

Calvin S. Ross

APPENDIX

P.P. 13-14 Original hand written copy of Court Record

P.P. 30-31 Courts Manufactured Copy of Court Record.

P. 16 Copy of Judge Johnson's Minute entry & last minute judgement after the fact.

IN THE PRECINCT COURT OF DAVIS COUNTY

STATE OF UTAH

--ooOoo--

87 2000 688

| | | |
|--------------------|---|-------------------|
| THE STATE OF UTAH, | : | |
| Plaintiff, | : | TRANSCRIPT OF THE |
| VS. | : | PROCEEDINGS |
| CALVIN S. ROSS, | : | APPEAL |
| Defendant | : | |

--ooOoo--

| | |
|--------------------|---|
| June 13, 1986 | Defendant received citation B024659 for improper lane travel Defendant did not sign citation. |
| August 5, 1986 | Information and summons signed by B. Bajorek and Judge Anderson. |
| Sept. 15, 1986 | Warrant issued for \$86.00 |
| September 25, 1986 | Defendant entered plea of not guilty. |
| October 22, 1986 | Trial set for December 4, 1986. |
| November 26, 1986 | Defendant asked for continuance. Judge granted. |
| December 8, 1986 | Trial set for January 15, 1987. |
| December 17, 1986 | Received Motion For Dismissal from defendant. |
| December 18, 1986 | Defendant's Motion to Dismiss is denied. |
| January 15, 1986 | Trial held. Defendant found guilty. Defendant will appeal. |
| February 13, 1987 | Notice of Appeal received from defendant. |
| February 18, 1987 | File sent to Clearfield Court on appeal. |

I hereby certify that the above transcript of the
proceedings is a true record of the proceedings in this case.
Dated this 18th day of February, 1987.


JOHN D. STEWART
PRECINCT COURT JUDGE

TAPE NO. 2997

PAGE NO. 7

| COUNTER NO. | PROCEEDINGS |
|-------------|----------------------------|
| 2181 | Argument Defense - |
| 2499 | The Court finds Defendant |
| 2542 | Guilty of Improper |
| | Sexual Intercourse. |
| 2720 | 10 days Jail Susp on |
| | probation 500 fine |
| | ... |
| 2786 | C/C due 11/16/87 or |
| | have Case appealed by that |
| | Date. |

Sentence was imposed October 15, 1987.

Dated minute entry containing judgment and
sentencing signed this 6th day of June, 1988

S. Mark Johnson
6/6/88

S. Mark Johnson,
Circuit Judge